

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: TANYA L. CAIN)	
TIMOTHY D. CAIN)	
<u>Debtor(s)</u>)	CHAPTER 13
)	
SANTANDER CONSUMER USA INC.)	Case No.: 17-16840 (AMC)
<u>Moving Party</u>)	
)	
v.)	
)	11 U.S.C. 362
TANYA L. CAIN)	
TIMOTHY D. CAIN)	
<u>Respondent(s)</u>)	
)	
SCOTT F. WATERMAN)	
<u>Trustee</u>)	

**CERTIFICATION OF DEFAULT BY DEBTORS IN VIOLATION OF STIPULATION
APPROVED ON MARCH 25, 2019 AND REQUEST FOR EX PARTE RELIEF FROM
THE AUTOMATIC STAY**

Comes now Santander Consumer USA Inc. ("Santander") filing this Certification of Default and ex parte request for relief from the automatic stay and hereby certifies;

1. That on March 25, 2019, the Court entered an Order approving a Stipulation providing for an arrearage cure, monthly payments to Santander, and for relief from the automatic stay under certain circumstances.
2. Paragraph three (3) of the Stipulation provides that the Debtors are to cure arrears by making their regular monthly payment of \$462.17 plus an additional \$337.88 (total payment of \$800.05) per month for the months of February through June 2019 directly to Santander.
3. Paragraph four (4) of the Stipulation provides that commencing February 2019, if the Debtors fail to make any payment to Santander within thirty (30) days after it falls due, Santander may send, via facsimile and regular mail, the Debtors and counsel a written notice of default of the Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel may file a Certification of Default with the Court and serve it on all interested parties, and the Court shall enter an Order granting relief from the automatic stay.

4. In violation of the Stipulation, the Debtors has failed to make the for July and August 2021, for a total default per the Stipulation in the amount of \$777.72.
5. On October 8, 2021, Santander served a 10-day default letter on the Debtors and their attorney, in accordance with the Stipulation. Since that date, Santander received a payment of \$463.00, leaving a default of **\$314.72** through August 2021. In addition, the payment of \$462.17 for September 2021 remains unpaid.
6. As a result of the defaults stated in paragraph four (4) of this Certification, Santander is entitled to stay relief in regards to personal property described as a 2015 Mitsubishi Lancer bearing vehicle identification number JA32U2FU4FU025390.

Respectfully submitted:

/s/ William E. Craig

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